

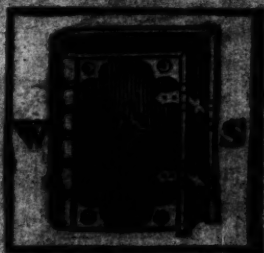
A Plea for Liberty
MONARCHY.
As it was Established in this
NATION,
Before the late WAR.

In an Humble Addresse to His Excellency,
General MONCK.

By a Zealot for the Good Old Laws of his Country, before any
Faction or Caprice, with Additions.

Optima Libertas, ubi Rex, cum Lege, Gubernat.


Sir Robert L'Estrange.



LONDON,
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*A Pled for limited Monarchy, as it has been
published in this Nation before the late War.*

In an humble Address to his Excellency General Monk.

inding by several Letters published in Your Name, that you
professe a more then ordinary zeal to popular Government;
and not knowing any thing herein that can so mislead you,
but the glorious pretence of a Free State (a notion, which
hath even intoxicated many otherwise great and worthy
Persons); I have it my Duty to acquaint you, how necessary it is
to distinguish betwixt the Form and Essence of a Common-wealth the
mistake whereof (each for the other) hath proved so fatal in our times:
Next to examine, whether those that surtised of our Kingly Govern-
ment, and longed for Novelty have not indeed (like the Dog in the fable)
lost the substance of Liberty and happiness, in pursuit of the shadow.
Our fierce Champions of a Free State will not I presume maintain that
it is subject to no violations: least woull experience confute, and force
them to confesse, either that a Common-wealth may degenerate or at least
that this never was a Common-wealth: And, as they must renounce their
senses, so they must deny the Faith of Story, which proves, that Repub-
licks have been sometimes invaded with Usurpation, sometimes Debauch-
ed, and Embased with Oligarchy; mostly (by reason of their weaknesse,
and divisions) subdued, or forced to truckle under their neighbouring
Princes) alwayes tormented with faction. Neither indeed do they, them-
selves offer any argument but such as, in effect, beg the question, by pre-
supposing great unity in the Coalition, great probity in the Intention, and
great purity in the Exercise; which doubtlesse, being admitted, we should
so little need to differ about Forms, that perhaps, we should scarce need
any Government at all. The stoutest assertors of Monarchy, likewise, must
acknowledg, That it being but earthen ware, (though the finest and stron-
gest) is subject to divers accidents: For nothing under heaven is perfect:
And when we constitute Governments, we must not think to build Babels
against the Deluge, but embank against floods, and enclose the best we can
against Trespasours. This being premised, let us consider these two Go-
vernments, not Metaphysically, in notions, abstracted from their subjects,
(a pastime, which our Platonicks much delight in,) but morally and rea-
sonably, as concrete, & adapted to times, places, and persons, viz. our own.
I might perhaps decide the question, in few words, by alledging the
manifest

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most inclination of the whole people, now to Monarchy; For, *As no man can be obliged with his consent, to do otherwise than he is obliged against his will;* And how should a Government founded upon Inequality and force, ever subsist without it? Or a State, which is an meer Adjective of an Army, become a Substantive, beginning of this kinde being so ominous? As reasonably might I object matter of Title, and forraign pretence; For the same estate, with a flaw in the Conveyance, or clogged with Statutes and Judgements, is not, surely, of like value, as if it had descended clearly from the great Grandfather, and were free both from Claimes and Incumbrances; and one that hath little, yet owes nothing, is likelier to thrive then he, who owing vast sums (which he resolves never to pay) dares not walk the streets for fear of Serjeants; But my intent, is onely, to shew, that, our former Government (as it excellently complied with the Laws Genius, & Interest of this Nation) so it comprehended all the benefits of a Commonwealth, in great perfection; And this I shall doe, as briefly, as I can.

To shew how it complied with our Laws and Constitutions, let it suffice that (Monarchy in these Nations, being more ancient then story or record, more Venerable than Tradition it self) our Laws were (as it were) under that Climate, habituated to that ayre and dyer, grafted into that stock; and though they have (God be thanked) forgot their *Norman*, yet they will hardly learn *Greek*, much lesse, *Utopian*: That, in the late Protectorous times, our Lawyers with one voice, importuned him, rather to assume the stile and power of a King, to which, they found all our Laws were shaped, then retain that of a Protector, unknown to the Law: That nothing hath rendred our Architects of a Commonwealth more obnoxious, then that their infinite discords in other things, generally, agreed in the necessity of subverting all our Fundamentals, in order to their Designe; which hath likewise oblig'd all sober men, and true Patriots (even the chiefest Pillars of the Parliaments Cause, in the late War) to unite themselves, with the Royall Interest, as not enduring to hear of those violent and dangerous alterations, which they see a Republick must introduce.

For its compliance with our Genius, consider, that as our English nature is not like the French, supple to oppression, and apt to delight in that pompe and magnificence of their Lords, which they know, is supported with their slavery and hunger; Nor like the High-land *Scots*, where the honour and Interest of the Chief, is the glory of the whole *Clan*; so doth it, as little or lesse, agree with the *Dutch* humour, addid onely to Traffick, Navigation, Handy-crafts, and sordid Thrift; and (in defiance of Heraldry) every man fancying his own Scutcheon: Doth not every one amongst us, that hath the name of a Gentleman, aim his utmost to uphold it? Every one that hath not, to raise one? To this end, do not our very Yeomen commonly leave their Lands to the eldest Son, and to the others, nothing.

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nothing but a Flail or Plough? Did not every one, that had any thing like an estate, pinch himself in his condition, to purchase a knight-hood or small Patent? What need further proof? Our late experience of that glorious and shadow of Monarchy, (though in persons hated, and scorned, and upon a most scandalous account) yet (for meere resemblance) admitted as tolerable, and in respect of a Common-wealth, Courted, clearly evinces, how gratefull the substance would be to Englishmen.

For our Interest, briefly (to wave tedious and politick discourses,) certain it is, that our Republick, (were it like to settle) would alarme all our Neighbours, would make our best Allies, our bitterest enemies, and (upon several accounts) probably draw upon us, the united forces of Christendome to crush the *Embryo*. Which (the Nation being so weakened, and divided, as it is,) must evidently endanger our totall oppression, or at least, to bring in the King by Conquest: Besides, by what Title shall we pretend to hold *Scotland* and *Ireland*, since that of Descent is now avoided, and Consent we know there is none, nor, indeed, can any be expected?

I come now to assert, that our former Government, eminently, included all the perfections of a Free-State, and was the Kernel, as it were, of a Common-wealth, in the shell of Monarchy: First I will begin with the essentiall parts of a Common-wealth, which are three, *viz.* The Senate proposing, the People Resolving, the Magistrate Executing: For the Senate or Parliament, if ever there were a free, and honourable one, it was here, where the Deputies of the whole Nation, most freely chosen, did, with like freedom, meet, propound, debate and vote all matters of common Interest: No danger escaped their Representing; no grievance, their complaint; no publick right, their Claim; or good, their Demand; In all which the least breach of Priviledge, was branded as a civil sacriledge, And though there lay no Appeal to the dispersed body of the People (a decision manifestly impracticable in Government, and fitter indeed for Tribunes to move, then Nations to admit) yet (Elections being so popular, and Assemblies frequent) the same end was attained with much more safety and convenience. The Prince had, likewise (in effect) but an executive Power, which he exercised by Ministers and Officers, not onely sworn, but severely accomptable: For though both he and the Lords had their Negatives in making Laws; yet (no Tax being impossible, but by Consent of the Commons, nor any Law, (without it) of such validity, that the Ministers of Justice durst enforce it;) There was a wise and sweet necessity for the King, and likewise for the Lords (who were but as a grain in the Royall Scale) to confirm all such Bills, as were convenient for the People, and not greatly hurtfull to the Prince; and so this Bug-bear Negative, was resolved into a meer Target, to shelter and preserve the Government from being altered, at the Will of

the Commons, if at any time they should prove Faction: which (being in reason manifest) hath been also confirmed by great experience: Our Kings having rarely obstructed any Bill, which they might safely grant; but on the other side, passed many high Acts of meer Grace, circumscribing their Prerogative, and clipping its Wings; nay, I could wish they had not peirc'd its bowels. This was that triple Cord, which one would think, could not be broken; nor indeed, was it broken, but cut asunder: This was our Gold, seven times refined; for every Bill, being thrice read, debated and agreed, in either House, was at last, brought to the King, for his Royal Assent, the Mint of our Laws: A triall so exact, that surely, no dross could escape it; since all Interests must thereto concur (as truly, it was but fit they should, in the establishment of that, which must binde them all:) This was that Temperament, which poised our Humours, and at once, endued us with health, vigour and beauty; No Vote was precipitated, no Act was huddled up; As by sad events, we have since seen, that, Power being engrossed by one of the Estates, purged and modelled to the Interests of a faction; a consequence natural to such premises: (As in a Ballance consisting but of one scale) nothing hath been weighed, our laws have been Mandrakes of a Nights growths, and our times as fickle as the weather or multitude.

The King indeed, had the Power of making War, but he had not the means; And then, it signified no more, than giving him leave to flye, if he could get wings; or to go beyond Sea, so he went without shipping: He had a Sword, but he alone could never draw it; for the Trained Bands were a Weapon, which he (decently) wore, but the Nation, onely, could use: He chose his Ministers, (as who doth not his servants?) But alas, he was accountable for them, to the Trienniall Parliament, which none but the soundest Integrity could abide: He could hinder the stroke of Justice with his Pardon (though still, the jaws not being muzzled, it would bite terribly) but certainly, it was great wisdom, rather, to give way; since (with his own scandall) he could afford offenders but a lame and scurvy Protection; and since the Power of relieving his Wants rested in the Commons, to ballance his Will, and oblige him to a Correspondence with Parliaments.

That his Person should be most Sacred, it was but needfull; to avoid circulation of accomps; reasonable, since it carries with it, the Consent of Nations; Just, that he should not be the meer But of Faction and Malice, in worse condition, than the basest of Vassals; Honourable, that the nakednesse of Government might not be daily uncovered; Wise, in the constitution, not at once, to trust and provoke, by forcing him to shift for his own Indemnity, no danger to the Publick seeming, & extream, as the Outlawry of a Prince; no task by daily experience, so difficult, as the arraignment of any Power, whether Regall or Popul^r: And since we make golden Bridges, for flying enemies, much more may we afford them to relenting

lenting Sovereigns, (upon which account, in our neighbour Kingdoms of France, even Princes of the blood are not subjected to capitall Punishments.) Finally, very safe, in the consequent, for (being (by the danger, threatening his corrupt Ministers) in all probability, strip of Agents) his personall impunity might, well, signifie somewhat to himself, but nothing to the People.

A Revenue he had, for the support of his State and Family, ample; for the ordinary Protection of his People, sufficient; but for any undertaking, defective; and for publick oppression, so inconsiderable, that when Prerogative was most Rampant, our greatest Princes (and some doubtless, we have had, the most renowned Warriours of their Ages) could never prudently aspire to make themselves sole Legislators, nor presumed to maintain *Red-coats* in times of Peace. If any object, (as some, concerned, are ready enough) that Kingly Power could here, no longer, subsist for want of Renewes; It is easily answered, That a King of France, indeed, could not, and God forbid, he should; but a King of England might, and (for ought I see) still may (the sale of Crown Lands, which exceeded not the value of 100000*l.* per annum, being, methinks, no matter of utter ruine, but rather of easie compensation.) For the publick Revenue was proportioned to the maintenance of Courts, not Campes and Fleets; A Gentleman of reasonable estate may live well on his Rents; But then, it is not convenient, he should keep Wenches, or hangers on, nor build, nor study Chymistry; In fine, the Revenue was very competent for ordinary disbursements, as for extraordinary, if he resorted to Parliaments, the wiser he, the safer and happier, we.

I desire all our Projectours of Common-wealths, to contrive greater freedom for their Citizens, then is provided by *Magna Charta*, and the *Petition of Rights*; Or shew us, that it is not much easier to violate, than to mend them: For, thereby our Lives, Liberties, and estates were, under Monarchy secured, and established, I think, as well as any thing, on this side Heaven: It were no solocisme to say, the Subject had his Prerogative as well, as the King; And, sure I am, he was in as good (if not better) condition to maintain it, the dependance being lesse on his side: Liberty was no lesse sacred than Majesty; *Nisi me tangere*, was likewise its Motto; And in case of any, the least infringement (as escapes in Government may happen even in the most perfect;) It was resented, as if the Nation had received a box on the Ear; If it be, as they say, the glory of a Free State, to exalt, the scandall of Tyranny, to Embase our Spirits; doubtlesse, this was our onely Common-wealth: for, ever since, we think, we have learned quietly to take the Bastonade.

I wish we now could, or could ever hope, under our Common-wealth (what ever promises may be made us) so perfectly to distinguish the Legislative from the Ministerial Authority, as once we did; when the House of Com-

...which distinction doubtless is
...far more considerable to poor Odo
...than the pretended Royalty. Upon the contrary, the confusion of
...for which the best Republicks
...any limited Prince can have. Certain
...King in his personal capacity, made no Laws, he neither
...enacted nor interpreted any. No Judge took notice of his
...to justify any, or punish any, nor to much, as the breaking
...his Power limited by his Justice, he was (equally with
...his subjects) concerned in that honest Maxime, *We may do
...and no more, than we have right to do*. And it was most proper
...because if it were wrong, he did it not, he
...punishable in his agent. His Offi-
...they were like liars, perhaps, they were more obnoxious to in-
...than any other, by how much their trespasses touched
...and gave greater alarm. His private Will could
...his Privy seal, ever buckled to the great
...the Nations, more than his. His Order superseded no Pro-
...no man with an hour's imprisonment,
...after the return of *libet Corpus*. An Under-Sheriff was more terrible, a
...a Bailiff more troublesome than he. And yet, by
...this Scabbard of Prerogative (as some in derision
...which (if it would) could scarce oppress an Orphan, a
...usurpation forestalled, Intervals
...prevented, Persecutions obviated, Equity administered, Clemency exal-
...and the people made, only nice and wanton with their happiness,
...calling for that Mannah, which
...loathed.

...The Act, enjoying the Keepers of the great
...by virtue of the Act, without further Warrant. The Act, forbidding the Privy
...to intermeddle with *Mercer & Turn*, the Laws abo-
...the *Star-chamber*, *High-commission*, &c. branding all past, and bridling all
...the Statutes limiting the Kings Claims, and relieving his
...Besides many other principal immunities,
...and bounty of our Princes, we were
...above all, our assurance, that we
...might readily, have obtained such further addition and perfection of Liberty (if
...as would consist with modesty, or liberty it self to ask:
...Do they not, aloud, proclaim, that we were then, (the mirror of Governments,
...of Monarchies, and shame of Commonwealths; who could not but blush, to
...in all their pretences to Freedom? Do
...That with all the Ornaments of the noblest
...FINIS.